

Republic of the Philippines
Supreme Court
Baguio City

EN BANC

NOTICE

Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated **APRIL 2, 2019**, which reads as follows:*

"G.R. No. 234359 (AILEEN ALMORA, et al. v. DIRECTOR GENERAL RONALD DELA ROSA, in his capacity as Chief of the Philippine National Police, and all officers, agents, or other persons acting under his authority and supervision, et al.)

G.R. No 234484 (SR. MA. JUANITA R. DAÑO, RGS, RSW, et al. v. THE PHILIPPINE NATIONAL POLICE [PNP], represented by PDG RONALD DELA ROSA, Chief, Philippine National Police, et al.)

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RESOLUTION

In the Resolution dated 14 August 2018, this Court resolved to: (1) grant the Letter dated 25 July 2018 of Atty. Jose Manuel I. Diokno, Chairperson, Free Legal Assistance Group, and counsel for petitioners in G.R. No. 234359, requesting copies of Annexes 1 to 57 attached to the (i) Compliance dated 26 April 2018 and (ii) Compliance dated 25 June 2018 filed by the Office of the Solicitor General (OSG); and (2) require the OSG to furnish Atty. Diokno with the aforesaid Annexes 1 to 57 and to submit proof of such compliance within five days from notice.

In its Compliance (With Motion for Partial Reconsideration) dated 4 September 2018, the OSG unilaterally declared that there are two categories of documents required from them, to wit:

Category 1 consists of:

- a. list of persons killed in legitimate police operations from 1 July 2016 to 30 November 2017;
- b. list of deaths under investigation from 1 July 2016 to 30 November 2017;
- c. list of Chinese and Fil-Chinese drug lords who have been neutralized;

- d. list of drugs involved whether shabu, cocaine, marijuana, opioids, etc.;
- e. comparative tables on index crimes;
- f. statistics of internal cleansing within the police force;
- g. drug watchlist in the affected areas;
- x x x
- k. list of warrants and warrantless arrests in High Value Target (HVT) police operations; and
- l. list of cases under investigation under Internal Affairs Service (IAS).

Category 2, on the other hand, consists of:

- h. reports and documents regarding Almora, Aparri and Soriano;
- i. pre- and post-operation reports in all the Daño incidents; and
- j. number of buy-bust incidents in San Andres Bukid from 1 July 2016 to 30 November 2017;
- x x x x

Pursuant to its own classification, the OSG decided to send only the documents under Category 2, attached as Annexes 2 to 30-m and 34, to petitioners in Almora, et al., and in Daño, et al. The OSG claimed that petitioners are not entitled to the production of Category 1 documents, because these documents are irrelevant to the issues involved in the instant petition for a writ of *Amparo* or to the petition for prohibition. The OSG further claimed that the Category 1 documents contain very sensitive information with law enforcement and national security implications. Also, these documents do not directly relate to the constitutional issue in the present petition for prohibition, and are not pertinent to the alleged violation of the rights of the victims in *Almora*, which is the subject of the present petition for a writ of *Amparo*.

On 25 September 2018, we issued a Resolution that required petitioners to comment on the OSG's Compliance (With Motion for Partial Reconsideration) dated 4 September 2018.

On 9 November 2018, we received the Comment on Respondents' Compliance (with Motion for Partial Reconsideration) dated 4 September 2018 filed by petitioners Daño, et al. In their Comment, petitioners Daño, et al. alleged that due process and fairness demand that the parties be furnished copies of these documentary submissions, so as to intelligently participate further in the proceedings. Petitioners Daño, et al. also stated that "this is an opportunity to show the critics of drug war that the government is open, transparent, able and willing to investigate and prosecute those that may be responsible for the killings."¹ On 15 November 2018, we received the Opposition/Comment (To Respondents' Compliance with Motion for Partial Reconsideration) filed by petitioners Almora, et al. In their Opposition/Comment, petitioners Almora, et al. alleged that the OSG should produce and furnish them both the Category 1 and 2 documents, because both documents are relevant to the issues presented by petitioners, and its

¹ Comment on Respondent's Compliance (with Motion for Partial Reconsideration) dated 4 September 2018 filed by petitioners Daño, et al, p. 16.

production hinges on the constitutional right to information.

On 26 September 2018, petitioners Daño, et al. in G.R. No. 234484, through counsel, filed a Motion to be Furnished a Copy of Respondents' Documentary Submissions. On 16 October 2018, we asked respondents to comment on the 26 September 2018 Motion. After several motions for extension, the OSG submitted its Comment on 12 March 2019. The OSG's Comment stated, in part:

7. On September 4, 2018, the OSG filed its Compliance with Partial Motion for Reconsideration dated September 4, 2018. It furnished the Almora petitioners with the Category 2 documents (Annexes '2' to '30-m' and '34'). However, it prayed that the submission be limited to such documents. The issue is still pending with the Court.

8. The OSG did not furnish the Daño petitioners with both Category 1 and 2 documents since, as recognized by the counsel for the Daño petitioners, the Court merely noted the request-letter dated June 28, 2018.

9. To obviate any further controversy on this matter, the OSG will furnish the Daño petitioners with all Category 2 documents given to the Almora petitioners, which documents will be attached to the instant Comment.

10. With the submission of the Category 2 documents to the Daño petitioners, the grounds cited in the Motion to be Furnished a Copy of Respondents' Documentary Submissions can no longer be invoked.²

The OSG is mistaken. We deny the OSG's motion for partial reconsideration dated 4 September 2018. We direct the OSG to provide petitioners Almora, et al. and Daño, et al. with copies of the entire set of Annexes from 1 to 57.

When the OSG submitted its Compliance dated 26 April 2018 and Compliance dated 25 June 2018, it did not make any reservation that certain documents covered by its Compliance would be withheld from petitioners.

Thus, the OSG's Compliance dated 26 April 2018 stated:

1. In compliance with this Honorable Court's Order dated December 5, 2017 and Resolution dated April 3, 2018, the respondents respectfully submit the following documents:

Annex "1" Letter dated April 12, 2018 from PDG Ronald M. Dela Rosa requesting the Office of the Solicitor General (OSG) to take appropriate action for the SC to allow them more time to comply with the directives.

Annexes "2" - "2-i" Case folder relating to the death of Ryan Dave Tuazon Almora.

² Comment (on Petitioners' Motion to Be Furnished a Copy of Respondents' Documentary Submissions) filed by the OSG, p. 3.

- Annexes "3" - "3-g"** Case folder relating to the death of Rex Appari.
- Annexes "4" - "4-b"** Case folder relating to the injury of Jefferson Soriano.
- Annexes "5" - "5-s"** Case folder relating to the death of Conrado Beroña III y Gonzales.
- Annexes "6" - "6-kk"** Case folder relating to the death of Jomar Manaois y Nombre.
- Annexes "7" - "7-nn"** Case folder relating to the death of Ryan Eder y Supnet.
- Annexes "8" - "8-nn"** Case folder relating to the death of Willie Ternora.
- Annexes "9" - "9-vv"** Case folders relating to the deaths of Jerson Colaban y Motajes, Joseph Baculi y Francisco and Jossing Colaban y Motajes.
- Annexes "10" - "10-r"** Case folder relating to the death of Emilio Blanco y Niedo.
- Annexes "11" - "11-l"** Case folder relating to the death of Jerry Estreller y De Belen.
- Annexes "12" - "12-x"** Case folder relating to the death of Delfin Sicson.
- Annexes "13" - "13-w"** Case folder relating to the death of Emil Morales.
- Annexes "14" - "14-r"** Case folder relating to the death of Eduardo Gores y Montemayor.
- Annexes "15" - "15-z"** Case folder relating to the deaths of Leo Geluz y Merced, Joshua Merced y Merced and Bimbo Merced y Siprano.
- Annexes "16" - "16-n"** Case folder relating to the death of Ryan Dimacali.
- Annexes "17" - "17-x"** Case folder relating to the death of Reynaldo Javier, Jr.
- Annexes "18" - "18-q"** Case folder relating to the death of Ramon Rodriguez y Marcos.
- Annexes "19" - "19-x"** Case folder relating to the death of Paul Jhon Michael Enrera y Natividad.
- Annexes "20" - "20-p"** Case folders relating to the deaths of Rolly Viros y Soliven and Ronnie Viros y Soliven.
- Annexes "21" - "21-m"** Case folder relating to the death of Crisanto Baquial.
- Annexes "22"** Case folder relating to the death of Ernesto Cruz.

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- "22-u"

Annexes "23" Case folder relating to the death of Elmer Lagunsad y
- "23-p" Cayubit.

Annexes "24" Case folder relating to the death of Paul John Martinez.
- "24-hh"

Annexes "25" Case folder relating to the death of Alvin John Mendoza.
- "25-q"

Annexes "26" Case folder relating to the death of Gelber Begelme y
- "26-k" Badeo.

Annexes "27" Case folder relating to the death of SPO3 Dennis Padpad
- "27-k" y Navarette.

Annexes "28" Case folder relating to the death of Edwin Eduardo y de
- "28-l" Gracia.

Annexes "29" Case folder relating to the death of Jeffrey Degala.
- "29-a"

Annexes "30" Case folder relating to the death of Manuel Roy
- "30-m" Mañalac.

Annex "31" Copy of Double Barrel Alpha or Command
Memorandum Circular No. 01-2017.

Annex "32" Statistics on PNP Internal Cleansing and Process Flow
on Handling Complaints.

Annex "33" List of Arrested Chinese and Filipino-Chinese covering
the period of CY 2003-2017.

Annex "34" Number of buy-bust incidents in San Andres Bukid from
July 1, 2016 to November 30, 2017.

Annex "35" Drug watch lists in Sta. Ana, Manila.³

Annex "36" Summary of Administrative Cases of All RIAS Offices
on Anti-Illegal Drugs Operations (DOUBLE BARREL).

Annex "36-a" Summary of Administrative Cases of NIAS on Anti-
Illegal Drugs Operations (DOUBLE BARREL).

Annex "36-b" NIAS Investigation on Anti-Illegal Drugs Operations
(July 2016 – December 2016 and January 2017 –
December 2017).

Annex "36-c" NIAS Pre-Charge Investigation on Anti-Illegal Drugs
Operation (July 2016 – December 2016 and January
2017 – December 2017).

Annex "36-d" NIAS Summary Hearing Proceedings on Anti-Illegal
Drugs Operations (July 2016 – December 2016 and
January 2017 – December 2017)

³ Vol. IV of G.R. No. 234359 (Almora), pp. 2006 to 2097. Vol. IV of G.R. No. 234484 (Daño), pp. 2033 to 2123.

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- Annex "36-e"** Summary of Administrative Cases of RIAS 1 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-f"** Summary of Administrative Cases of RIAS 2 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-g"** Summary of Administrative Cases of RIAS 3 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-h"** Summary of Administrative Cases of RIAS 4A on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-i"** Summary of Administrative Cases of RIAS 4B on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-j"** Summary of Administrative Cases of RIAS 5 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-k"** Summary of Administrative Cases of RIAS 6 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-l"** Summary of Administrative Cases of RIAS 7 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-m"** Summary of Administrative Cases of RIAS 8 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-n"** Summary of Administrative Cases of RIAS 9 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-o"** Summary of Administrative Cases of RIAS 10 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-p"** Summary of Administrative Cases of RIAS 11 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-q"** Summary of Administrative Cases of RIAS 12 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-r"** Summary of Administrative Cases of RIAS 13 on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-s"** Summary of Administrative Cases of RIAS ARMM on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-t"** Summary of Administrative Cases of RIAS COR on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "36-u"** Summary of Administrative Cases of RIAS NCR on Anti-Illegal Drugs Operations (DOUBLE BARREL).
- Annex "37"** Copies of the references mentioned in CMC-16-2016.
- Annex "37-a"** Pronouncement of President Rodrigo R. Duterte to get rid of illegal drugs.
- Annex "37-b"** Memorandum Circular No. 89, s. 2015, Implementation and Institutionalization of the National Anti-Drug Plan of Action.
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- Annex "37-c"** Resolution No. 2015-5547, Approving the Creation of the Philippine National Police Anti-Illegal Drugs Group as a National Operational Support Unit.
- Annex "37-d"** Memorandum Circular No. 2015-63, Revitalization of the Barangay Anti-Drug Abuse Council (BADAC) and their role in Drug Clearing Operations.
- Annex "37-e"** Revised PNP Manual on Anti-Illegal Drugs Operations and Investigation.
- Annex "37-f"** US Department of State Diplomacy in Action, Country Reports – Moldova through Singapore.
- Annex "37-g"** LOI 16/2012, Kontra Droga Charlie (Plan for a Revitalized Campaign Against Illegal Drugs).
- Annex "37-h"** DDB Board Regulation No. 1, Guidelines in the Implementation of Operation: "Lawmen".
- Annex "37-i"** NAPOLCOM Memorandum Circular – 2009-001, Directing the Philippine National Police to undertake an Intensified and Unrelenting Campaign Against Illegal Use and Trafficking of Dangerous Drugs.
- Annex "37-j"** DDB Board Regulation No. 2, Providing for Revised Guidelines in the Conduct of Barangay Drug-Clearing Operations.
- Annex "37-k"** Executive Order No. 218, s. 2003, Strengthening the Support Mechanism for the Philippine Drug Enforcement Agency.

2. The respondents need additional time to submit the other documents required by the Court because said documents will still be collected and validated.


PRAYER

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Meanwhile, the OSG's Compliance dated 25 June 2018 stated:

1. On April 26, 2018, the OSG filed Compliance with Motion for Extension of Time to Submit Additional Documents for sixty days from April 26, 2018, or until June 25, 2018.

2. The respondents respectfully submit the following additional documents:

Annex "38" List of Names of Chinese National Arrested and their participation and charges filed against them for the period covered July 1, 2016 to November 30, 2017.⁴

Annex "38-a" List of Wanted Listed Drugs Personalities Arrested for the period covered July 1, 2016 to November 30, 2017.⁵

Annex "38-b" List of Warrantless arrests operations for the period covered July 1, 2016 to November 30, 2017.⁶

Annex "38-c" List of Drug Personalities who died in PDEA-initiated anti-drug operations for the period covered July 1, 2016 to November 30, 2017.⁷

Annex "39" Letter dated June 20, 2018 from Adelio Benjamin G. Castillo.

Annex "40" Comparative Tables on Index Crimes.

Annex "41" Update on Recovery and Wellness Program Accomplishment.

Annex "42" Percentage of Operations Thru Warrant of Arrest.

Annexes "43" 3 CDs from Police Regional Office 1 containing the to **"43-b"** lists and names of victims per case folders of Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017.

Annexes "44" 4 CDs from Police Regional Office 2 containing the to **"44-c"** lists and names of victims per case folders of

⁴ Vol. VI, G.R. No. 234359 (Almora), pp. 2969-2971.

⁵ Vol. VI, G.R. No. 234359 (Almora), pp. 2972-2980.

⁶ Vol. VI, G.R. No. 234359 (Almora), pp. 2981-2991.

⁷ Vol. VI, G.R. No. 234359 (Almora), pp. 2992-2995.

Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017.

Annexes "45" 7 CDs from Police Regional Office 3 containing the lists and names of victims per case folders of Homicide Cases Under Investigation to "45-f"

Annexes "46" 9 CDs from Police Regional Office 4-A containing the lists and names of victims per case folders of Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017. to "46-h"

Annexes "47" 13 CDs from Police Regional Office 4-B containing the lists and names of victims per case folders of Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017. to "47-l"

Annexes "48" 165 CDs from Police Regional Office 5 containing the lists and names of victims per case folders of Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017. to "48-hhhhhh"

Annexes "49" 8 CDs from Police Regional Office 6 containing the lists and names of victims per case folders of Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017. to "49-f"

Annex "50" 1 CD from Police Regional Office 8 containing the lists and names of victims per case folders of Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017.

Annexes "51" 46 CDs from Police Regional Office 9 containing the lists and names of victims per case folders of Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017. to "51-ss"

Annex "52" 1 CD from Police Regional Office 10 containing the lists and names of victims per case folders of Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017.

Annexes "53" 2 CDs from Police Regional Office 11 containing the lists and names of victims per case folders of Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017. to "53-a"

Annexes "54" 3 CDs from Police Regional Office 13 containing the lists and names of victims per case folders of Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017. to "54-b"

Annexes "55" 15 CDs from Police Regional Office 12 containing the lists and names of victims per case folders of Homicide Cases Under Investigation covering the period July 1, 2016 to November 30, 2017. to "55-o"

Annex "55-p" Police Regional Office 12 Homicide Cases Under Investigation Transmittal sheet.

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Annexes "56" 3 CDs from Police Regional Office COR containing
to **"56-b"** the lists and names of victims per case folders of
Homicide Cases Under Investigation covering the
period July 1, 2016 to November 30, 2017.

[No mention of Annexes "56-c" to "56-e" in the 25
June 2018 Compliance.]

Annex "56-f" Police Regional Office COR Homicide Cases Under
Investigation Transmittal sheet.

Annex "57" Police Regional Office NCR Homicide Cases Under
Investigation Transmittal sheet

PRAYER

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The Affidavit of Service further shows that the OSG caused to be served a copy of its Compliance by registered mail to the counsels of the petitioners. Thus, the OSG itself, **without any qualification or condition**, furnished to the counsels of petitioners in both G.R. No. 234359 and G.R. No. 234484 its Compliance dated **26 April 2018** and Compliance dated **25 June 2018**.



Subsequently, in its Compliance (With Motion for Partial Reconsideration) dated **4 September 2018**, the OSG unilaterally declared, **for the first time**, that there are two categories of documents required from it. The OSG never mentioned any category of documents during the oral arguments, or even during its prior Motion for Reconsideration dated 18 December 2017, when it refused to submit all the information and documents requested by Members of this Court.

We find that it cannot now impose conditions on its compliance. We find that it is only the OSG, which **unilaterally** classified the documents into Categories 1 and 2, **without the knowledge of or consent** from this Court and the parties, **for the first time** on 4 September 2018, or after it already submitted its Compliances to the Court and the parties **without any qualification or condition** on 26 April 2018 and 25 June 2018.

Furthermore, we find that the arguments raised by the OSG in its present motion were already raised and ruled upon by this Court in its Resolution dated 3 April 2018. Again, we find that the OSG arrogated upon itself the determination of the relevance of the documents to the issues involved in the present petitions. To reiterate, we have ruled in our Resolution dated 3 April 2018 that the determination of whether particular evidence is relevant rests largely at the discretion of this Court. Moreover, we also ruled in the same Resolution that “[c]ontrary to the claim of the Solicitor General, the requested information and documents **do not obviously involve state secrets affecting national security**. The information and documents relate to routine police operations involving violations of laws against the sale or use of illegal drugs. There is no showing that the country's territorial integrity, national sovereignty, independence, or foreign relations will be compromised or prejudiced by the release of these information and documents to this Court or even to the public. These information and documents do not involve rebellion, invasion, terrorism, espionage, infringement of our sovereignty or sovereign rights by foreign powers, or any military, diplomatic or state secret involving national security. It is simply ridiculous to claim that these information and documents on police operations against drug pushers and users involve national security matters.”⁸

The OSG, in its **4 September 2018** motion, did not state any basis, either factual or legal, as to how the documents under their alleged Category 1 contain very sensitive information with law enforcement and national security implications, and as to how the said documents do not relate to the constitutional issue in the present petition for prohibition. The OSG merely made a hasty conclusion that “[r]equiring the respondents to produce the alleged documents would amount to a premature and virtual grant of the relief prayed for by the petitioners. By requiring the production of said documents, this Honorable Court, has, in effect, issued the writ of *amparo*.”⁹

⁸ Resolution, p. 50, 3 April 2018.

⁹ Compliance (with Motion for Partial Reconsideration), p. 5, filed by the OSG.


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The OSG, in its **12 March 2019** comment, recognized this Court's role in determining the relevancy of required documents. It reiterated our 3 April 2018 resolution when it stated that "the Supreme Court is the sole determinant of relevancy of the required documents and that it has plenary constitutional powers to require such documents from respondents."¹⁰ In the same vein, the OSG cannot unilaterally arrogate to itself the power to determine which documents it should furnish petitioners.

We do not tolerate the OSG's unilateral arrogation. We reiterate what we stated in our Resolution dated 3 April 2018 that "this Court is also mandated to protect and enforce the people's right to information. Article III, Section 7 states that '[t]he right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions x x x shall be afforded the citizen x x x.' The undeniable fact that thousands of ordinary citizens have been killed, and continue to be killed, during police drug operations certainly is a matter of grave public concern."¹¹ Thus, sound factual and legal bases mandate the OSG to comply with our Resolution dated 14 August 2018, without any qualification.

WHEREFORE, the motion for reconsideration filed by the Office of the Solicitor General is **DENIED**. The Office of the Solicitor General is hereby directed to furnish the petitioners, within ten (10) days from receipt of the Resolution, with copies of Annexes "1" to "57" attached to its (i) Compliance dated 26 April 2018 and (ii) Compliance dated 25 June 2018." Jardeleza, J., on official business. Reyes, J., Jr., J., on official leave. Hernando, J., on leave. (adv62)

Very truly yours,


EDGAR O. ARICHETA
Clerk of Court

¹⁰ Comment (on Petitioners' Motion to Be Furnished a Copy of Respondents' Documentary Submissions), p. 7.

¹¹ Resolution, p. 45.

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G.R. Nos. 234359 & 234484
kat 4/2/19 (URes62) 4/10/19